

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division

UNITED STATES OF AMERICA

v.

4:07CR156

MARIA AUDELINA VELASQUEZ,

Defendant.

REPORT AND RECOMMENDATION
CONCERNING GUILTY PLEA

Defendant, by consent, has appeared before the undersigned pursuant to Rule 11, Federal Rules of Criminal Procedure, and referral from a United States District Judge and has entered a guilty plea to fraudulent use of immigration documents, in violation of 18 U.S.C. § 1546. Defendant is also charged with false representation of a social security number (Count 2), in violation of 42 U.S.C. § 408(a)(7)(B). Defendant understands that this charge will be dismissed upon acceptance of her guilty plea, and the United States confirmed defendant's understanding.

On December 21, 2007, defendant appeared before the Court for the purpose of entering her guilty plea. She was represented by appointed counsel, Larry Dash, Esquire. Defendant was appropriate in appearance, responsive, and competently prepared for the hearing. Because she does not speak English fluently, the hearing was conducted with the assistance of an interpreter. In response to the Court's questions, defendant indicated that she fully understood what was being said through the assistance of the interpreter. She answered all questions put to her in clear and concise language. On those occasions when she had a question, defendant consulted with counsel and then

promptly answered. Defendant was courteous and appropriate in her behavior at all times and clearly understood the seriousness of her position. At the close of the proceeding, defendant was remanded to the custody of the United States Marshal, pending completion of a presentence report.

Defendant is twenty-one years of age, attended school in Honduras for six years, and speaks Spanish as her native language. There was no evidence that defendant was on drugs, alcohol, or medication which might impair her judgment. She was cooperative throughout the proceeding.

Defendant entered her guilty plea pursuant to a plea agreement. The Court is completely satisfied, based upon defendant's responses, that she fully appreciates her position. Furthermore, she acknowledged that the statement of facts prepared in anticipation of her plea accurately reflects the government's evidence, in the event of trial.

After cautioning and examining defendant under oath concerning each of the subjects mentioned in Rule 11, the Court determined that the offense charged is supported by independent facts, establishing each of the essential elements of such offense. Therefore, the Court recommends that the guilty plea be accepted and that defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this report and recommendation within ten days from the date of its service shall bar an

aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

/s/

**James E. Bradberry
United States Magistrate Judge**

Norfolk, Virginia

January 2, 2008